

## Session Edition IX, 2004

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**House Committee Activity: March 15 - 17, 2004**

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*House Judiciary considered thirty-nine bills in its meeting of the full committee on Wednesday morning. Members faced heavy calendars this week as bills continued to make their way through committees.*

## **In This Week's *Review*:**

### **Committee Activity**

**And**

**Summaries of Budget Hearings  
Department of Transportation  
Department of Finance and Administration**

## **Agriculture**

*Matt Barnes*

### **Full Committee**

The **Agriculture Committee** met Tuesday with six bills on calendar. The committee rolled three bills one week.

**HJR 774** (Brooks, Henri) expresses the General Assembly's support for the Black Farmers and Agriculturalists Association in its efforts to remedy past discrimination against black farmers by the U.S. Department of Agriculture. **HB 2886** (McCord) enacts the "Horse Industry Promotion Act." **HB 3231** (Newton) clarifies departmental responsibilities regarding the Prevention of Youth Access to Tobacco Act of 1994.

**HB 3487** (Litz) adds "equine" to the definition of livestock, thereby requiring horse dealers to be bonded as livestock dealers are bonded. The bill also increases the penalty for operating as a dealer without a license from a Class C to a Class A misdemeanor. The bill passed to Calendar and Rules.

**HB 2837** (Maddox) involves the tobacco Master Settlement Agreement (Agreement) and the associated escrow accounts. Present law, passed by 46 states, requires manufacturers either to participate in the Agreement or annually place funds into escrow for each unit of tobacco product sold. The state attorneys general, who also approved the law, discovered what they call a "loophole" that allowed for refunding of amounts paid in excess of what the non-participating manufacturers would have paid had they participated. Chairman Davidson introduced **HB 2900** to ensure non-participating manufacturers place into escrow only the appropriate amounts and that such payments remain in escrow. That bill passed the House on March 8. **HB 2837** is counter to **HB 2900** in that the former would allow such refunding to continue. The bill was rolled to the last calendar.

**HB 1222** (M. Turner) enacts the "Tennessee Commercial Aerial and Ground Spraying Protection Act," creating buffer zones around residences, schools, and parks. The bill also creates a registry for pesticide-sensitive persons and requires notification of those registered of aerial spraying activities. Rep. Hensley introduced the bill in Rep. Turner's absence. Representatives from Save Our Cumberland Mountains (SOCM) were on hand to listen to the lengthy debate. Murray Hudson, head of the Aerial Spraying Committee of SOCM, spoke in favor of the bill that, he said, was not as stringent as nearby states. A farming husband and wife also spoke in favor of the bill, relating the story of

their young daughter that has suffered because of aerial spraying. When Daniel Summers, a family physician in Carroll County, spoke of the large number of people affected, Rep. Dunn asked why, in this society, there has not been that many lawsuits. Rep. Shaw agreed and went on to say he supports many cotton farmers that would be adversely affected by the bill. Chairman Davidson said clashes are inevitable across the state as more people move into rural areas where agricultural practices are instituted. Rep. Harwell made a motion that the issue be studied in the interim, such motion passing 9-4. Chairman Davidson asked that the entire committee be part of the study committee.

## **Children & Family Affairs**

*Shannon Romain*

### **The Full Committee**

The **Children and Family Affairs Full Committee** referred **HB 3112** (Rep. Bowers) to Finance, Ways and Means. As amended, the bill requires the courts to consider all children for whom an obligor is legally responsible, whether or not they are included under a child support order, in determining the obligor's net income for the purposes of calculating child support and/or deviating from the child support guidelines. The court must equitably allocate child support among all the children.



The bill also provides that the birth or adoption of another child for whom the obligor is legally responsible constitutes a material change in circumstances for the purposes of seeking review of an existing order. If the addition of the child results in a significant variance under the child support guidelines, the court may modify the support order.

The amended bill also lowers the threshold for demonstrating a significant variance for low-income persons. The guidelines currently require an across the board 15% variance in order to deviate from the guidelines and modify an existing order. The department determined that that threshold is too high for low-income obligors. Under the amended bill, the variance shall be established by rule of the department at

no more than 7 1/2% of the difference between the current child support order and the proposed order. The amendment makes the bill.

**HB 2572** (Rep. Hackworth) was referred to Calendar and Rules. The bill requires an employer to notify the Department of Human Services, the clerk of courts or any designated entity in another when the employee is terminated or no longer receives an income from the employee. If the employee qualifies for unemployment compensation, the employer must also notify the division of employment security.

The employer is required to notify the clerk or the Department of Bankruptcy within ten days of filing bankruptcy or ceasing to operate as a business. Notification must include statutorily designated information. An employer that fails to comply is subject to civil penalties of up to \$500 per obligor for whom an income assignment was received. The penalty shall be assessed and collected by the Department of Human Services and distributed among all children who are subject to the affected obligor's income assignment. The distribution shall be pro-rated in proportion to the amount of support each child receives. Any penalties assessed shall be distributed in addition to the amount normally received under the child support order and will not reduce the amount owed by the obligor.

The legislation also requires the department to provide written notice of assessed penalties. The employer has 15 days to request an appeal on the penalty. Failure to timely appeal will result in the penalty becoming final and conclusive. The employer has 15 days after the mailing date of the penalty to pay any amounts due. If the employer fails to pay in the designated time, the department may place a lien on the employer's real and/or personal property.

**HB 2725** (Rep. S. Jones) was also referred to Calendar and Rules. The bill extends the existence of the Select Committee on Children and Youth to 2008.

### **Domestic Relations Subcommittee**

The following bills on the **Domestic Relations Subcommittee** calendar were all deferred one week:

**HB 2848** (Rep. Bowers)

**HB 2627** (Rep. Clem)

**HB 3396** (Rep. Kernell)

**HB 2666** (Rep. Johnson)

### **Family Justice Subcommittee**

There were 28 bills on the **Family Justice Subcommittee** calendar. **HB 3366** (Rep. J. DeBerry) was referred to the full committee. The bill revises the Interstate Compact for Juveniles, establishing an interstate commission of approximately 30 member states that administer the compact. Under present law, the compact creates a uniform set of guidelines that are used to expedite the return of juveniles that have escaped, absconded or run away to their home state. This bill removes antiquated language from the existing compact, clarifies rules and procedures, sets out the powers, duties and liabilities of member states, and the proscribes rules governing the withdrawal, default and reinstatement of a compacting state.

The following three bills were also referred to the full committee. **HB 0137** (Rep. Buck) permits the courts to impose a sanction on any person it determines has filed a petition for an order of protection with no reasonable basis for the allegations or for the sole purposes of harassing the respondent. The committee adopted an amendment changing the effective date of the bill to July 1, 2004. **HB 1090** (Rep. L. DeBerry) creates a pilot program in Shelby County for a group therapeutic home for at risk children. The Department of Children's Services will administer the program, which is set to expire in 2009.

**HB 2346** (Rep. Harrison) authorizes the juvenile court to request telephone records from telecommunications service providers if the court issues a "missing child" order and the court believe that the records will assist in locating the child. The court may requests the records of any person as long as it believes the records are pertinent. Under the legislation, the provider must supply the records immediately and at no charge.



**HB 2845** (Rep. Buck) prohibits judicial employees and/or their families from contracting, during their tenure or up to six months thereafter, with the Department of Children's Services; owning an interest in any companies that contracts with the department; or receiving a benefit from any person or entity that contracts with the department. The bill was previously referred to the judicial counsel who issued an opinion supporting the principle that "judges should not be allowed to do business with entities controlled by themselves or members of their immediate families". The counsel noted three areas of concern:

1. The bill is limited to juvenile judges and will have "little, if any effect" on state judges and "limited effect on the authority of juvenile judges and general sessions judges acting as juvenile judges".
2. The retroactive effective date of the bill is an ex post facto law and is unconstitutional.
3. The bill may be too broad in scope in its prohibition on professional services rendered after a judge's tenure.

Members of the committee also questioned the unconstitutionality of the restraints on employment, and the retroactive provisions. The bill was amended, deleting the retroactive provision, however legal counsel for the committee identified a potential problem with the caption. The sponsor informed the committee that any caption issues would be cured upon codification, barring no lawsuits challenging the on the caption issue between the time the legislation is passed and passage of the codification act.

The following bills were deferred 1 week:

**HB 2245** (Rep. Vincent)  
**HB 1019** (Rep. Davidson)  
**HB 1020** (Rep. Davidson)  
**HB 1022** (Rep. Davidson)  
**HB 1434** (Rep. Brown)  
**HB 1463** (Rep. J. DeBerry)  
**HB 2543** (Rep. Fowlkes)  
**HB 2614** (Rep. DuBois)  
**HB 2821** (McDonald)  
**HB 2903** (Rep. S. Jones)  
**HB 3102** (Rep. Bunch)

The following bills were deferred to the last committee calendar

**HB 2579** (Rep. Bowers)  
**HB 3103** (Rep. Pleasant)  
**HB 3337** (Rep. Maddox)

The following bills were taken off notice:

**HB 1002** (Rep. Clem)  
**HB 1724** (Rep. Fowlkes)  
**HB 1725** (Rep. Fowlkes)  
**HB 2284** (Rep. McDonald)  
**HB 2333** (Rep. Bowers)  
**HB 3279** (Rep. Ferguson)  
**HJR 0066** (Rep. Patton)  
**HJR 0747** (Rep. Pruitt)

## **Commerce**

*Matt Barnes*

### **Full Committee**

The **Commerce Committee** took the following actions at its Tuesday meeting.

- Passed to Calendar and Rules:

**HB 2340** (Bowers) enacts the "Consumer Right to Know Act," stating if a person contacts a customer service center or receives a call from such a center, the person has a right to know where the center is located and to whom the person is speaking. The committee adopted an amendment that requires those that operate such centers to comply with federal law relative to the protection of personal financial information.

**HB 2590** (Hagood) as amended, requires insurance companies to respond to requests from the Department of Commerce and Insurance, concerning complaints filed against them, within a reasonable time if a response is required. "Reasonable time" is defined in the amendment as a period not to exceed 30 days from the date the entity receives the request. The commissioner also may levy a \$100 penalty each day the response is not timely made. TennCare is exempted.



**HB 3520** (McMillan) clarifies that prepaid limited health service organizations are subject to the Insurance Holding Company System Act and makes other requirements applicable to such organizations.

- Passed to Finance, Ways, and Means:

**HB 2883** (Jones, S.) enacts the "Calling for 2-1-1 Act" to create a central location to call for all matters related to human services, keeping the Tennessee Regulatory Authority in line with federal regulations creating the number. An amendment authorizes the TRA to grant, on a one-time basis, \$400,000 from the Public Utilities Account for start-up costs, thereby removing the fiscal impact of the bill.

**HB 3406** (Hargrove), as amended, enacts the "Assistive Telecommunications Device Distribution Program Renovation Act," thereby changing the 1999 legislation

also sponsored by Rep. Hargrove. That legislation required the TRA to create a program whereby telecommunication providers assist those who are deaf or blind by contributing text telephones and other telephone devices. This bill expands the current system to keep it in line with new technologies. The amendment simply makes a technical correction in the name of the act.

**HB 3539** (Fitzhugh) is a predatory lending bill the administration brought in response to the federal rule that preempts state laws regulating federal banks. The bill beefs up current Tennessee law to increase penalties from \$500 to \$10,000 for violations. Further, since no current method exists to know the identities of the mortgage loan originators, this bill would establish registration requirements for such originators. An amendment adds language to the end of the bill that was inadvertently left off, thereby making certain sections of the bill effective January 1, 2005.



**HB 1671** (Rowland) requires armed and unarmed security guards to submit to a drug and alcohol screening prior to employment and license renewal. The original bill made a violation a Class E felony, but the sponsor brought an amendment that removed such a provision and its associated fiscal impact. The amendment also changes the effective date from July 1, 2003, to July 1, 2004.

- Rolled for one week:

**HB 2372** (Baird) requires businesses that provide high chairs and booster seats to include safety restraints on them. A subcommittee amendment requires the restraints to meet "nationally-recognized safety standards," as opposed to certain voluntary safety standards stated in the original bill.

**HB 2870** (Shepard) generated most of the discussion during the meeting. Presently, issuers of health insurance and managed health insurance are prohibited from denying the right of any licensed pharmacy or pharmacist to participate in plans under the same terms and conditions as other pharmacy providers. The committee adopted an amendment that includes the state

or its political subdivisions in the prohibition. Rep. Shepard said the committee would hear more about "terms and conditions." For now, the amendment specifies among the terms and conditions that any pharmacy or pharmacist may participate in the plan at the same compensation as other pharmacy providers.

Rep. Shepard said HB 2870 would level the playing field, that it is good for patients and the state, and that it would impact chain drug stores as well as small pharmacies. Russell Palk, president of the Tennessee Retail Association, which represents chain drug stores, agreed that the bill would be good for the industry as a whole.

Representing the City of Memphis, Rufus Jones and Dottie Jones, who are not related, spoke against the bill as amended. Since the City of Memphis is a self-insured plan, they estimated an increase in their pharmaceutical plan of \$700,000 in the first year and \$6 million over five years. They further claimed the bill hurts local governments and not state government since TennCare is exempted. When asked how they estimated such an increase in their plan, Ms. Jones said the cost increase would be due to the loss of their ability to negotiate better deals.

### **Industrial Impact Subcommittee**

The **Industrial Impact Subcommittee** moved four bills to full committee Tuesday morning.

**HB 2339** (Bowers), as amended, regulates the use of consumer credit information in rating risk when writing personal insurance. **HB 3234** (McKee) provides for major medical insurance coverage for catastrophic illnesses requiring in-patient hospital care. Those plans would be exempt from the requirements of mandated health benefits (except to the extent that a mandate is necessary for basic care when a person has such an illness). The bill is a result of last year's study committee's findings that showed cost and availability are high on the lists of health consumers' concerns. Chairman McKee distributed information on the subject and said the bill would be discussed again in full committee. **HB 3526** (McMillan) was handled by Rep. Armstrong. It repeals authorization and all provisions relating to toughman-badman (boxing) matches. **HB 2328** (Harrison) requires TennCare MCOs and BHOs to contract with federally qualified health centers, health center look-alikes and rural health clinics as facilities. An amendment follows the bill.

On the addendum, **HB 1246** (J. DeBerry), a bill initially brought by former Representative Carol Chumney, was rolled. The bill has generated a great deal of discussion and was the subject of a study committee last year. It would prohibit health insurers from terminating coverage to divorced or widowed spouses, or to dependent children, in the event of death or divorce of the insured. It calls for those insurers to put into such policies a provision that entitles those persons to an extension of that coverage, without evidence of insurability and without the usual probationary and waiting periods.

The subcommittee also heard from Susan Thompson, Executive Director of the Network for Health Continuance, and two women who have experienced the effects of having coverage terminated by their spouses. There was no action taken on the bill this week.

In other action, the committee adopted an amendment to **HB 2748** (P. Johnson) which corrects the intent of the bill and moves it into another subsection in the Code under group policies. The bill was then rolled for one week for further discussion. Also rolled were: **HB 3233** (McKee) requiring insurance companies to verify to providers that a claim has been received; **HB 0858** (Brown) allowing providers to be reimbursed from the date they apply for credentialing within an MCO network; **HB 3163** (Shaw) reinstating the Comprehensive Health Insurance Pool; **HB 0022** (M. Turner) and **HB 2349** (Ferguson) prohibiting certain practices relating to rating insurance risk based on credit scores or history; and **HB 1482** (Armstrong) requiring architects and engineers to oversee construction phases of certain buildings and structures.

**HB 1322** (Wood) was taken off notice.

### Small Business Subcommittee

Chairman Hargrove, filling in for Chairman Ferguson at the **Small Business Subcommittee** on Wednesday, said the subcommittee would hold one more meeting.

This week, the subcommittee passed four bills to full committee. **HB 2317** (Head) exempts architects 76 years of age or older from continuing education requirements. **HB 3411** (Hargrove), as amended, requires that at least one employee of a licensed manufactured home retailer who is directly involved in the installation be certified by the commissioner of the Department of Commerce and Insurance and pay the associated fees. One such certified employee shall also be on site at the time of installation. **HB 3422** (Overbey)

revises the manner in which a nonprofit corporation director may be removed. Current law states an appointed director may be removed with or without cause; this bill revises that to state *except as otherwise provided in the articles or bylaws*, such director may be removed without cause by the person appointing the director. **HB 3482** (Coleman) is an administration bill that allows the commissioner of the Department of Commerce and Insurance to require insurers under administrative supervision to pay reasonable costs during such supervision.



The subcommittee rolled seven bills. **HB 2755** (Bunch) changes the provisions concerning boards of directors for property owners associations. **HB 3132** (Turner, B.) authorizes the Alarm Systems Contractors Board to prescribe tests required for registration and the associated fees. **HB 3226** (Bone) exempts community fairs, county fairs, district fairs, and division fairs from the filing requirements charitable organizations must adhere to if soliciting contributions. **HB 3230** (Harmon) provides tax credits for sales and use tax payments related to pilot scale manufacturing, research, and development. **HB 3405** (Hargrove) limits the amount of a lien a residential contractor may file against residential property for the construction of a new home. **HB 3408** (Hargrove) authorizes the commissioner of Commerce and Insurance to issue a rule relative to RV manufacturers to allow such manufacturers to meet American National Standards Institute standards in lieu of safety inspections. **SJR 64** (Herron) urges Congress to require government uniforms and equipment be manufactured in this country.

Taken off notice were **HB 2968** (Cooper, B.) and **HB 3161** (Hargrove).

### Utilities and Banking Subcommittee

The **Utilities and Banking Subcommittee** met Tuesday and sent its only bill on calendar, **HB 3240** (Wood), to full committee. An amendment rewrites the bill to prohibit privately owned public utilities that supply water to municipal governments from charging those governments for hydrant services when the governments provide fire protection services. The utilities may,

however, recover costs by charging non-municipal government customers within the service area, subject to TRA approval. Rep. Wood said the bill as amended applies only to the city of Chattanooga and that the water company agrees with the provisions.

## **Conservation & Environment**

*Greg E. Adkins*

### **The Full Committee**

The **full Environment Committee** met on Tuesday, March 16, 2004, and considered two bills.

**HB 3494** by Rep. McMillan & Rep. Yokley passed to C&R. The bill requires the TDEC and Dept. of Tourism Commissioners or designees to serve as ex officio members of the Great Smoky Mountains Park Commission.



**HB 3497** by Rep. McMillan & Rep. Hood passed to C&R. The bill designates fifteen acres in Rutherford County at Manus Road Cedar Glade as a Class II Natural/Scientific Area. The Committee also heard testimony from Allen Hershkowitz, a senior scientist with the Natural Resources Defense Council (NRDC) and James R Stritholt, President and Executive Director of the Conservation Biology Institute, concerning the Cumberland Plateau being on the NRDC most endangered forest list in the Americas.

### **Environment Subcommittee**

The **Environment Subcommittee** met on Tuesday, March 16, 2004, and considered six bills. **HB 1418** by Rep. McCord passed to full committee as amended. The amendment makes the bill and states that persons, including but not limited to owners and operators of agricultural land, whose storm water runoff is not discharged into storm water flood control facilities of a municipality shall be exempted from payment of the graduated storm water user fee. **HB 2285** by Rep. Vincent passed to full committee as amended. The amended bill would authorize any county which is not in

the state's computer system (CAAS), to enter into contract or inter-local agreement with the county in which the municipality is located to bill and collect storm water fees for the municipality as a designated item on the ad valorem tax notice issued by the county trustee. **HB 3206** by Rep. Coleman was rolled to the last committee calendar. The amended bill clarifies that TDEC is authorized to issue a stop work order for surface coal mining activities when the mining activities cause actual violations of water quality regulations. The stop work order will remain in effect until TDEC has determined the operator has installed best managed practices to mitigate the water quality violations.

The following bills were rolled one week: (1) **HB 222** by Rep. Turner (Davidson) (prohibits clear cutting within 50 ft. of right-of-way on a public road), (2) **HB 1159** by Rep. McDonald (chipmill regulation), and (3) **HB 2327** by Rep. McDonald (rural water development program).

### **Parks Subcommittee**

The **Parks Subcommittee** met on Wednesday, March 17, 2004, and considered three bills. **HB 3495** by Rep. McMillan & Rep. McDonald (exempting parks purchasing requirement) and **HB 3096** by Rep. Todd (TDEC review of 20 year old natural areas) were rolled one week. **HB 2368** by Rep. Tidwell was rolled to the last committee calendar (authorizes similar structures to be built in State Parks without approval of the State Architect).

### **Wildlife Subcommittee**

The **Wildlife Subcommittee** met on Tuesday, March 16, 2004, and considered sixteen bills. **HB 3535** by Rep. McMillan & Rep. Rinks passed to full committee. The bill would authorize TWRA to enter into agreements with the U.S. Coast Guard to enforce homeland security related activities on state waters. The Tennessee Office of Homeland Security must approve all agreements. **HB 3316** by Rep. Bittle passed to full committee. The bill clarifies that a lifetime sportsman license fee for children less than three years old is not subject to periodic fee increases. **HB 2672** by Rep. Winningham failed for lack of a second. The bill would exempt residents in counties in the Sundquist Wildlife Management Area from paying special use fees for using the wildlife area. **HB 1047** by Rep. McCord, **HB 1740** by Rep. Davidson, **HB 2576** by Rep. McDonald, and **HB 3428** by Rep. Buttry were rolled one week. The remaining bills on the calendar were taken off notice.



## **Consumer & Employee Affairs**

*Shannon Romain*

### **The Full Committee**

The **Consumer and Employee Affairs full committee** referred **HB 0883** (Rep. Bowers) to Finance, Ways and Means. As amended, the legislation urges the prevailing wage commission to continue efforts to develop Internet applications for the submission of survey forms and to periodically update the general assembly on its progress. **HB 2765** (Rep. Baird) and **HB 2811** (Rep. DuBois) were referred to Calendar and Rules. Under current law, volunteer firefighters are protected from discharge by employers because of work absences or tardiness due to emergencies. **HB 2765** extends the same protection to civil air patrol and volunteer rescue squad members. **HB 2811** requires that entities conducting seminars on living trusts or estate taxation must state in their advertisements the minimum amount at which an estate is subject to state and federal taxes. Failure to comply constitutes a deceptive trade practice.

**HB 2917** (Rep. West) was referred to Finance, Ways and Means. The bill permits a sole proprietor or partner in a partnership to opt out of the insurance of the principle, intermediate contractor, or subcontractor's (The "Principle") insurance. The sole proprietor or partner may present a certificate of non-coverage, issued by the Division of Workers Compensation, for a fee of \$50.00, to the principle. He or she shall then be presumed not to be covered by unemployment compensation law or to be an employee of the principle. Upon receipt of the certificate, the principle is not liable for any injuries sustained by the sole proprietor or partner. Presentation of a certificate does not affect the rights or coverage of any of the sole proprietor or partners employees.

The bill carries two criminal provisions. Compelling a sole proprietor or partner to pay premiums after being presented with a certificate or making false statements on the certification applicant constitutes a Class D Felony. Certification is valid for one year and will expire at midnight one year from the date it was issued. The effective date and the expiration date must be documented on the face of the certificate.

**HB 3506** (Rep. Davidson) clarifying the difference between an agricultural worker and a domestic worker for the purposes of unemployment compensation was deferred for one week.

## **Employee Affairs Subcommittee**

The **Employee Affairs Subcommittee** met this week. **HB 3093** (Rep. Rinks) was referred to the full committee. The bill provides that certain individuals who do not meet the IRS's definition of an employee under federal statutes will not be deemed employees of some firms for the purposes of Tennessee employment security law. The committee recommended an amendment to the bill. **HB 2910** (Rep. West) was also referred to the full committee. The bill requires annual rather than biennial licensing by the Board of Employee Assistance Professionals and revises the scope of practice of employee assistance professionals.

The following bills were deferred 1 week:

**HB 0527** (Rep. Windle)

**HB 2164** (Rep. Turner)

The **Consumer Affairs Subcommittee** was not scheduled to meet this week.

## **Education**

*Pam Mason*

### **The Full Committee**

The **Education Committee** met Wednesday to consider its calendar. Actions taken follow.

Referred to Calendar & Rules, as amended:

**HB 3236** (McKee) allows the sale of surplus property on the Internet as well as newspapers. An Internet auction sale may be on the LEA or local governments web site. For an Internet sale, advertisement of such shall be in a newspaper of general circulation and include the web address.

**HB 3417** (Sargent) allows growth funds to eligible LEAs to be distributed two (2) times per year. The first date for distribution will be February 1 and the remainder, June 30.

Referred to Finance, Ways and Means:

**HJR 776** (Cooper) urges Tennessee Student Assistance Corporation to establish programs in four (4) regions of the state for the purpose of dissemination of information



pertaining to the lottery scholarships. The four offices should be one in each grand division of the state and one in Shelby County.

**HR 96** (Cooper) creates a special committee regarding feasibility of certain LEAs to apply for certain grants for the purpose of employing social workers.



Deferred for 1 week:  
**HB 2225** (Maddox)

Deferred for 2 weeks:  
**HB 2865** (Winningham)

After consideration of the calendar, the Committee heard a presentation from Dr. Douglas Wood, Executive Director of the State Board of Education. Dr. Wood reported on the findings and recommendations of the Advisory Committee on Accountability and Testing. Copies of that report may be requested from the committee office.

### **K-12 Subcommittee**

At its March 16 meeting the committee discussed and voted on one item of legislation, **HB 100** (Buck), elected superintendents. The five following bills, on this topic, were taken off notice.

<b>HB 99</b> (Buck)	<b>HB 996</b> (Winningham)
<b>HB 1816</b> (Vincent)	
<b>HB 2151</b> (Newton)	<b>HB 3477</b> (Hensley)

The subcommittee heard testimony from both prospectives of the issue of elected superintendents prior to the vote. The legislation failed on a roll-call vote.

The Subcommittee met again Wednesday after the FW&M budget hearing. The Teacher Pay Equity bill was the only bill heard.

Referred to Full Committee:

**HB 3510** (Winningham) creates formula for teacher salaries based on three fundamental components.

1. A new policy establishing a minimum state and local baseline investment of \$34,000 per mandatory instructional position in Tennessee.
2. The BEP requires each school system to maintain

a minimum number of instructional positions. The average is 436 positions.

3. The State's average commitment is 65 percent of a system's total instructional salary costs, but will fluctuate higher or lower based on a school system's ability to pay.

### **Higher Ed Subcommittee**

On Tuesday the Subcommittee met and took the following actions:

Recommended to Full Committee:

**HB 3319** (Curtiss) enacts the 'Higher Education Accountability Act of 2004.' This legislation creates an audit committee outside the institutions of higher learning.

Deferred 1 week:

**HB 3317** (Curtiss)  
**HB 3318** (Curtiss)

Deferred 2 weeks:

**HB 2686** (Curtiss)  
**HB 2689** (Curtiss)

Taken off notice:

**HB 3001** (DuBois)

## **Finance, Ways & Means**

*Julie Travis*

### **House Finance, Ways, and Means Committee** **Tuesday, March 16, 2004**

The full committee met on Tuesday to discuss 18 bills on the full committee's Regular and "Consent" calendars. Six bills on the Consent Calendar (**HB 3097**, **HB 3098**, **HB 2214**, and **HJR 625**, all by **Rep. DuBois**; **HB 2563**, by **Rep. Winningham**; and **HB 2674**, by **Rep. Stanley**), which name certain highways and bridges, were all referred to Calendar and Rules.

Those bills that were **deferred for one week** include **HB 2172 (Rep. M. Turner)**, **HB 3289 (Rep. Head)**, **HB 2830 (Rep. Hood)**, **HB 2387 (Rep. Curtiss)**, and **HB 1166 (Rep. Towns)**.

The following bills were **referred to Calendar and Rules Committee**:

**HB 3175 (McMillan)** -- As amended, this bill allows each county election commission, in coordination with the State Election Commission, to develop an Internet-based electronic filing process. The system would be used by all candidates for local public office and all political campaign committees for a local election in such county or in the municipalities located in such county that are required to file statements and reports with such county election commission. If a county election commission decides to develop such an Internet-based electronic filing process, any and all costs for such development and Internet posting shall be an expenditure of such county election commission. Currently, the Registry of Election Finance has jurisdiction over all campaign financial disclosure issues.

**HB 233 (Bone)** - This bill, as amended, creates the Tennessee National Guard Tuition Assistance Program to provide members of the Tennessee National Guard with the opportunity to attend a state educational institution without having to pay tuition. Under this program, the Military Department would provide 25% of tuition funding and the federal government would provide the remaining 75%. The total cost in state dollars is reflected in the Governor's budget as a recurring appropriation of \$445,800.

**HB 2274 (Brooks, Knox)** - As amended, this bill enacts the "State Park Funding Act of 2004." The bill specifies that it is the intent of the legislature that fee based operations in state parks, such as marinas, golf courses, campgrounds, and resorts are self-sustaining by fiscal year 2007-08. The bill also authorizes all fees collected by park facilities to be deposited in a dedicated park fund.

**HB 2212 (Wood)** - As amended in the House Transportation Committee, this bill increases the fee paid to county clerks for titling a motor vehicle from \$3.00 to \$5.50, and extends the mandatory reporting on the developmental progress of the Titling and Registration Computer System to June 30, 2006.

**HB 2746 (Fitzhugh)** - This bill would clarify that the companies under contract with the State to provide investment products for the Optional Retirement

Program are to act in a fiduciary capacity in selecting the products appropriate for the retirement program. Furthermore, it would remove the requirement that the boards of trustees of the University of Tennessee and Tennessee Board of Regents approve each individual product revision. The bill would delete the outdated items to be considered by the Board of Trustees of the Tennessee Consolidated Retirement System in the selection of the companies.

**HB 3399 (Head)** - As amended, this bill amends the "Convention Center and Tourism Development Financing Act of 1998" by (1) deleting "other structure" from the definition of a qualified public use facility (QPUF); (2) increasing the amount of reasonably anticipated private investment in the tourism development zone (TDZ) from \$25,000,000 to \$50,000,000; (3) authorizing the Department of Finance and Administration to reduce or reconfigure a proposed TDZ; and (4) deleting the definition of "central business improvement district." It also includes a definition of qualified associated development and specifies that the title cost of such development shall not exceed 30% of the cost of the entire QPUF. It specifies that a TDZ shall not extend farther than one mile from the outside perimeter of a QPUF unless it is determined that the geographic configuration of a municipality requires the zone be unusually shaped, in which case the zone cannot be more than three square miles. It specifies that the distribution of sales and use taxes to a municipality from activity in a TDZ does not include any increase in the state sales and use tax rate and specifies what determines that a facility is "open for public use."

The committee also continued on Tuesday with Budget Hearings by finishing the review of the Dept. of Children's Services budget which had been rescheduled from March 4th. The Committee also heard on Wednesday, March 17<sup>th</sup>, Dept. of Education Commissioner Lana Sievers and Comptroller John Morgan speak on the Small Schools/Teacher Pay Equity issue. Thursday, March 18<sup>th</sup> (after session) the committee will hear those departments that had to be rescheduled from the March 10, 2004 meeting: the Commission on Aging, TennCare, the Dept. of Commerce and Insurance's TennCare Oversight Division, the Dept. of Mental Health and Developmental Disabilities, and the Dept. of F&A's Division of Mental Retardation Services.

**The March 10th Hearings Have Been Rescheduled to March 18th**

**Budget Subcommittee**  
**Wednesday, March 17, 2004**

The Budget Subcommittee of the House Finance, Ways, and Means Committee met to discuss 36 bills on the regular subcommittee calendar this week.

**Actions of the Budget Subcommittee are as follows:**

Action for the following bills was deferred for one week: **HB 3532 (McMillan)**, **HB 2634 (Crider)**, **HB 2400 (Hargrove)**, **HB 2302 (Rowland)**, **HB 2519 (Turner M)**, **HB 2744 (Fitzhugh)**, **HB 3415 (Curtiss)**, and **HB 1737 (Maddox)**. The Subcommittee first amended and then deferred action on **HB 3544 (Miller L/McMillan)**, **HB 3480 (McMillan)**, **HB 2553 (Baird)**, and **HB 2629 (Buttry)** for one week.

**HB 2228 (Dunn)**, **HJR 868 (Dunn)**, **HB 779 (Patton)**, **HJR 782 (Casada)**, **HJR 816 (Bowers)**, **HB 2936 (Rinks)**, **HB 3092 (Rinks)**, **HJR 818 (Rinks)**, and **HB 3345 (Armstrong)** were deferred for two weeks.

Action on **Rep. Curtiss's HB 2392** was deferred for three weeks.

**HB 3527**, by **Rep. McMillan**, **HB 1739**, by **Rep. Armstrong**, and **HB 3321** and **HB 3322**, both by **Rep. Marrero**, were placed behind the budget.

**HJR 740** and **HB 2336**, both by **Rep. Bowers**, were referred to Speaker Pro Tempore DeBerry's special committee dealing with study committees. **Rep. McMillan** requested that **HB 3530** be placed off notice.

**The following bills were referred to the full Finance, Ways, and Means Committee:**

**HB 3546 (McMillan)** - As amended, this bill authorizes the Commissioner of the Department of Finance and Administration to deny or limit carry forwards of the Department of Transportation necessary to fund expenditures for FY04-05. Currently, this authorization expires at the end of FY03-04. Additionally, the bill would increase the state share on projects under the bridge grant program from 70% to 80% and lower the local share from 30% to 20%.

**HB 2880 (Hood)** - As amended, this bill names the classroom building at the Tennessee Fire Service and Codes Enforcement Academy as the Andy Womack Building, and specifies that the costs associated with the

erection of the sign are to be covered using non-state funds.

**HB 3529 (McMillan)** - This bill "decouples" Tennessee excise tax from all federal accelerated depreciation enacted after 2002.

**HB 2874 (McCord)** - This bill includes the "undergrounding of electrical and other similar utility cables, including streetscape improvements" in the definition of an "improvement." Such improvements can be undertaken and financed through bond issuance by municipalities, and assessments can be made against benefited properties for their costs.

**HB 2517 (Turner M)** - As amended by the House Commerce Committee,

this bill expands the statutory exemption for telephone solicitations conducted by non-profit organizations to include telemarketers calling on behalf of non-profit organizations.

However, the bill clarifies that telephone solicitation does not include voice communications to any residential subscriber if the communication is made by a bona fide member, volunteer, employee, or authorized representative of a not-for-profit organization exempt from paying taxes under the Internal Revenue Code 501(c), provided that such authorized representative complies with the registration requirements of TCA 65-4-405(d)(1), DO NOT CALL program. This bill conforms the Tennessee DO NOT CALL exemption to FTC telemarketing sales rule made by non-profit organizations.



**HB 3379 (Coleman)** - The bill provides that persons in the private sector and non-criminal justice agencies may obtain criminal history information from intrastate sources after submitting all known identifying information for a person and a fee to the Tennessee Bureau of Investigation. The fee will be set at \$29.00 per inquiry. Proceeds from the fees will be used to offset this service and other expenditures related to the operational costs of the Tennessee Bureau of Investigation. Criminal history information compiled by the Tennessee Bureau of Investigation from intrastate sources shall be available, free of charge, to criminal justice agencies for criminal justice purposes.

**HB 2683 (Curtiss)** - This bill specifies that the purpose of local veteran service offices is to advise veterans of

the United States armed forces rather than veterans of all wars in which the United States participated as under current law. The bill specifies that such service offices are to be staffed by accredited veterans service officers. Also, the bill provides that the senior accredited officer serving in a county veterans service office may receive compensation commensurate to the compensation paid to heads of county government departments of comparable size and that the staff personnel of such office may receive compensation commensurate to the compensation paid to county government employees in comparable positions. Finally, the bill requires veteran service officers to be honorably discharged veterans of the United States armed forces rather than veterans of all wars in which the United States participated as provided for under current law.

## **Government Operations**

*Kristina Ryan*

On Monday, March 15th, the **Joint Government Operations Sub-Committee on General Welfare, Health, and Human Services** held its audit hearing on the Department of Children's Services. The audit reported an astonishing 22 negative findings on the agency. Some of the more serious findings include: required physical examinations of foster care children are not being performed in a routine and timely manner, there is no system in place to document foster home complaints and case managers may not receive accurate notifications of children's health evaluations. Two findings in the report that were also cited in the previous audit (1998) state the department's inadequacy on tracking foster care placements and case managers not adhering to visitation requirements.

The committee heard testimony from the new Commissioner of Children's Services, Viola Miller. Commissioner Miller expressed the same concerns and distress as the committee had on the audit findings, and she outlined what the department has been doing to correct these problems. However, the Commissioner told the committee that these problems would not be solved overnight and that the infrastructure within the department must be completely rebuilt. Among the improvements that the department has already implemented include holding monthly meetings with executive staff of the Regions and Youth Development Centers and assigning a Central Office person to each

region as a liaison for any issues and assistance that is necessary.

In three months, the department hopes to have in place a standardized format for case records and clean up current files, implement employee performance measures, enhance data management and conduct strategic planning for 12 regions. The commissioner told the committee that in six months, the department hopes to have utilized revenue maximization for federal monies as well as restructure regional services. In addition, the department will be establishing a university training consortium and develop partnerships with universities to conduct pre-service and in-service training for DCS staff.

Senator Ketron made a recommendation to the committee that the department must provide monthly reports to the committee regarding the department's progress even when the legislature is not in session. The sub-committee recommended that the department should be continued for two years, a subsequent audit would automatically occur. This is the third shortened re-authorization, now having provided two audits to alert the legislature of the department's problems.

The **House Government Operations Committee** met on Tuesday, March 16th to consider sixteen bills on the calendar. **HB 2377 (Odom)**, **HB 2378 (Odom)** and **HB 2330 (Brooks)(Shelby)** were taken off notice. **HB 2623 (Godsey)** and **HB2794 (Ferguson)** were rolled for two weeks. **HB 2881 (Ferguson)**, **HB 1149 (DeBerry, J.)**, **HB 3361 (Curtiss)**, **HB 2531 (Sargent)**, **HB 2679 (Kernell)**, **HB 3383 (Kernell)** and **HB 2500 (Kernell)** were all rolled for one week.

The committee reviewed and referred **HB 1208** by Representative DuBois to the Consumer and Employee Affairs Committee. The legislation would enact a "Do-Not-Email" law similar to the current "Do-Not-Call" registry for state residents who do not wish to receive unsolicited e-mail. The Tennessee Regulatory Authority would be responsible for establishing and maintaining a database of email subscribers wishing not to receive these unwanted e-mails.

**HB 3343** by Representative Armstrong was reviewed and sent to the Health and Human Resources Committee. This bill would create the Department of Aging and Disability. Under this legislation, the current Commission on Aging would be abolished and the powers and duties would be transferred to this newly created department.

**HB 3502** by Representative McMillan was reviewed and referred to the Commerce Committee. Part of the Administration's 2004 legislative package, this bill would provide that the licenses of alarm contractors should be renewed on a biennial basis instead of on an annual basis.

#### Sunset Extensions

Human Rights Commission - Re-authorized to June 30, 2007.

## **Health & Human Resources**

*Judy Narramore*

### Full Committee

The **Health & Human Resources Committee** met at noon on Tuesday, March 16, 2004, to consider 14 pieces of legislation. After completing the calendar, Commissioner Ginna Betts, Tennessee Department of Mental Health & Developmental Disabilities, provided a department overview.

Three bills were referred to FW&M. **HB 2554** by Rep. Overbey as amended requires all assisted care living facilities and residential homes for the aged without sprinkler systems to install smoke detectors within 90 days of the effective date of the bill. The amended bill also requires and staggers installation requirements for sprinklers in all assisted care living facilities and residential homes for the aged licensed for 7 or more beds depending on the physical layout of the facility. **HB 3134** by Rep. Armstrong requires all hospitals licensed by the Department of Health or the Department of Mental Health & Developmental Disabilities to submit a joint annual report on patient statistics 105 days after the end of their fiscal year. As amended, **HB 3134** requires hospitals to provide corrections to the Department of Health within 15 business days of notification; requires the Department of Health to compile, finalize, and make available an electronic compilation of the statistics reported by the hospitals by November 1 each year; and, allows the Department of Health to run special reports. **HB 3030**



by Rep. L. DeBerry as amended increases the number of members serving on the Health Services and Development Agency from 9 to 10. The additional member must be a representative of the home care industry, nominated by the Tennessee Association of Home Care.

Two bills and one resolution were referred to C&R. **HB 2957** by Rep. Lynn prohibits new hires or existing employees of a child care center from serving as a driver until the employee has undergone a drug test and received a negative result. **HB 2971** by Rep. L. DeBerry requires the Shelby County medical examiner to be appointed by the county mayor from a list of two doctors of medicine or osteopathy nominated by a convention of the physicians. **HJR 0916** by Rep. Cooper requests that the Department of Finance & Administration, in consultation and cooperation with the Departments of Health and Personnel, implement a study of the effectiveness of this state's disease management and wellness programs, determining the fiscal and health impact of such programs.

Rep. Cochran presented **HB 2708** concerning continuing education requirements for medical laboratory personnel and special analysts. The bill was discussed and subsequently rolled one week for consideration of amendatory language to address the number of continuing education hours that could be required by the Medical Laboratory Board. The remaining seven bills on calendar were **rolled one week** by the respective sponsors: **HB 3302** by Rep. Black ("tongue splitting"), **HB 3303** by Rep. Black ("nurse" title), **HB 3489** by Rep. McMillan, Rep. Shepard (fluoride varnish applied by public health nurses), **HB 1751** by Rep. Maddox (exemptions to nurse practice act), **HB 3088** by Rep. Maddox (special payments to service providers), **HB 2249** by Rep. Curtiss (facilities allegedly operating without a license), and **HB 2350** by Rep. Briley (personal needs allowance).

### Mental Health Subcommittee

Tuesday afternoon, the **Mental Health Subcommittee** held its **final meeting**, referring all bills on calendar to full committee. **HB 3347** by Rep. L. DeBerry requires the Department of Mental Health & Developmental Disabilities Statewide Planning and Policy Council to assess the impact of the *Olmstead v. L.C.* decision of the U. S. Supreme Court on the services offered and regulated by the Department. **HB 3515** by Rep. McMillan, Rep. Fowlkes excludes mental health residential treatment facilities from the certificate of

need process. **HB 3516** by Rep. McMillan, Rep. J. DeBerry makes several housekeeping changes in Title 33 concerning job title terminology, *caregivers*, treatment review committee authority, and the conflict resolution process. The bill was amended to correct a typographical error in the code reference in Section 7.

### **Professional Occupations Subcommittee**

The **Professional Occupations Subcommittee** met Wednesday morning, March 17, 2004, to consider 16 bills. Two bills were referred to full committee. **HB 2528** by Rep. Sharp as amended creates a *special volunteer license* for medical practitioners (licensed physicians, dentists, dental hygienists, nurses, chiropractors, psychologists, and social workers) whose sole practice is providing services without pay in a free health clinic. These medical practitioners will be exempt from continuing education requirements, license fees of the regulatory board, and the \$400 occupation privilege tax. The free health clinic can not receive payment (individual or third party) for services and can not charge patients for services provided; however, the clinic may accept donations. The amendment changes the special volunteer license renewal from annual to biennial.

**HB 2515** by Rep. Pinion as amended authorizes *radiologist assistants* to assist radiologists under certain circumstances. The Board of Medical Examiners is directed to define the scope of practice and educational qualifications for radiologist assistants by rules that are consistent with national standards.



**HB 2737** by Rep. Bunch that requires physicians who refer patients to facilities in which the physician has a financial interest to provide written disclosure to the patients and provides for a cause of action under the Tennessee Consumer Protection Act for failure to comply with the disclosure requirements was discussed and rolled one week for consideration of amendatory language. **HB 2694** by Rep. Armstrong concerning prescription orders was discussed and then rolled one week. **HB 3463** by Rep. McMillan concerning the scope of practice for dental hygienists and dental assistants was presented and subsequently rolled one week with an amendment pending that deletes Section 5 from the printed bill. The following bills were **rolled one week** by the respective sponsors: HB 3346 by Rep. Maddox,

HB 1906 by Rep. McCord, HB 3131 by Rep. Briley, HB 3159 by DuBois, and HB 3282 by Rep. Odom. The remaining six bills on calendar were **taken off notice**: HB 0771 by Rep. Buttry, HB 0773 by Rep. Buttry, HB 1419 by Rep. Buttry, HB 2582 by Rep. Davis, HB 2843 by Rep. Pinion, and HB 1385 by Rep. Hargett.

### **Public Health & Family Assistance Subcommittee**

Wednesday morning, the **Public Health & Family Assistance Subcommittee** had 23 bills on calendar. Four bills were referred to full committee. **HB 1169** by Rep. Towns requires the Department of Health, in conjunction with TEMA, to develop a plan to respond to biological or chemical attack. **HB 1171** by Rep. Towns authorizes the practice of barbering to be conducted at the site of television, motion picture, video, or theatrical productions, photographic sessions or similar activities. **HB 2323** by Rep. Brown extends the pilot program to reimburse residential homes for the aged by authorizing the Board for Licensing Health Care Facilities to make reimbursements in Hamilton County. **HB 2656** by Rep. Cooper as amended authorizes a health care professional who completes a childhood immunization form to indicate a child's need for a dental screening or vision examination on the form. Also under this bill, certain persons approved by the Board of Dentistry would be exempt from the licensure requirements for dentists and dental hygienists.

**HB 1485** by Rep. Rowland was discussed and then rolled one week with an amendment pending that rewrites the bill to delete the Barber Board and the Cosmetology Board from statute and create a new State Board of Cosmetology and Barber Examiners. Rep. Harwell offered an amendment today that rewrites **HB 2193** concerning drop-in day care centers. The bill was rolled one week for review of the amendment. **HB 3015** by Rep. West that requires all motor vehicles used by day care centers to transport children to be equipped with child safety alarms that emit a sound if a door to the vehicle is opened and a child remains inside was discussed. After a demonstration of the proposed alarm system and testimony from the Department of Human Services, the bill was rolled one week.

The following 12 bills were **rolled one week**: HB 1060 by Rep. McCord, HB 1926 by Rep. Bunch, HB 3003 by Rep. Odom, HB 3026 by Rep. Hargrove, HB 3095 by Rep. Shepard, HB 3200 by Rep. Winningham, HB 3310 by Rep. Hagood, HB 3314 by Rep. Windle, HB 3374 by Rep. Shepard, HB 3488 by Rep. McMillan, Rep. Hargrove, HB 3500 by Rep. McMillan, Rep. L. DeBerry, and HB 3533 by Rep. McMillan. The following bills

were **rolled to last calendar**: HB 2727 by Rep. Overbey, HB 2922 by Rep. Sontany, and HB 3106 by Rep. Ferguson. HB 2810 by Rep. Cooper was **taken off notice**.

### **Health Care Facilities Subcommittee**

The **Health Care Facilities Subcommittee** met Wednesday afternoon to consider 10 bills. Two bills were referred to full committee. **HB 3471** by Rep. L. Miller reduces the annual license fee for residential homes for the aged with five or fewer beds from \$600 to \$200. **HB 3449** by Rep. McMillan requires outpatient diagnostic centers (ODCs) to obtain a license and a certificate of need. Independent ODCs would pay an annual license fee of \$800 but hospital-based ODCs would be exempt from this annual fee. ODCs would be required to report all claims data on every discharge to the Department of Health and to file a joint annual report with the Department.

**HB 2949** by Rep. Overbey was discussed and then rolled one week with an amendment pending that rewrites the bill to require nursing homes, assisted care living facilities, and residential homes for the aged to maintain evidence of liability insurance. The following five bills were rolled **one week**: HB 1554 by Rep. U. Jones, HB 1387 by Rep. McMillan, HB 3450 by Rep. McMillan, HB 1390 by Rep. L. DeBerry, and HB 1864 by Rep. S. Jones. Two bills were **taken off notice**: HB 2557 by Rep. Winningham and HB 1223 by Rep. M. Turner.

## **Judiciary**

*Paige Edwards*

### **Criminal Procedure & Practice Subcommittee**

On Tuesday, the **Criminal Procedure & Practice Subcommittee** met to consider 13 bills. HB 2653 by Representative Cooper and HB 3454 by Representative McMillan were rolled for one week.

The following 11 bills were **referred to the full committee**:

- **HB 1254** by Representative McMillan redefines "victim" for the purpose of prosecuting sexual offenses. Under this bill, a victim would include the spouse of the defendant. Also, this bill deletes the

present law provision that creates a limited spousal exclusion barring prosecution for sexual offenses and defines spousal rape, aggravated spousal rape, and spousal sexual battery.

- **HB 2777** by Representative Buttry amends the term "sexual offense" under the sexual offender registration and monitoring act. Under this bill, a sexual offense would include child abuse and neglect where the child is six years of age or less and aggravated child abuse and neglect.
- **HB 3391** by Representative Briley, as amended, revises the law relating to telecommunications theft and theft of cable television services. This bill creates criminal and civil penalties for theft of these services. During the interim, a study committee studied issues relating to telecommunications theft. This bill contains the recommendations made by the study committee.
- **HB 2504** by Representative Brooks (Shelby), as amended, revises the supervision fee collected from a pre-trial defendant. Under this bill, the court has discretion to order the payment of the fee that would be no less than \$10.00 or more than \$35.00 per month.
- **HB 2711** by Representative Cochran requires that the body or remains of a dead human be delivered to the next of kin as soon as practicable after the completion of the autopsy or pathology examination by the county or state medical examiner.
- **HB 3469** by Representative McMillan, as amended, creates the "Anti-Spam Act of 2004." This bill provides criminal and civil penalties when commercial e-mails are unlawfully transmitted.
- **HB 3008** by Representative Hagood, as amended, revises the present law regarding the issuance of criminal summons or arrest warrants. This bill provides discretion for the magistrate, judge, or clerk to issue a criminal summons instead of an arrest warrant. This bill reestablishes the purpose of the criminal summons as well as the notice requirements attached to the document. Furthermore, the provisions of this bill would govern all aspects of the issuance of criminal summons, notwithstanding Rule 4 of the Tennessee Rules of Criminal Procedure.
- **HB 2809** by Representative Rowland amends the law for violations associated with evading arrest. Under this bill, an unaccompanied female driver may proceed at a pace of no more than 35 miles per hour to a public area when she receives a signal from an unmarked police car. Also, this bill revises the criminal penalties and imposes imprisonment when an individual intentionally flees or attempts to elude a law enforcement officer.



- **HB 3320** by Representative Curtiss imposes criminal and civil penalties associated with injury or death of a guide dog. Also, economic damages may be recovered to recoup the losses sustained by injury or death of the guide dog and would include the cost of the guide dog as well as the cost of any specialized training the guide dog received.
- **HB 2888** by Representative Todd deletes Title 4, Chapter 41 in the code relating to the Tennessee Victims' Coalition that ceased operation on June 30, 2003. Also, this bill transfers responsibilities to the Victims of Crime State Coordinating Council.
- **HB 2565** by Representative Winningham authorizes local governments to levy an additional litigation tax for cases heard before the local general sessions, juvenile, and municipal courts. The revenue generated from the tax would be used exclusively in the public school system for drug testing programs.



### **Constitutional Protections Subcommittee**

On Tuesday, the **Constitutional Protections Subcommittee** met to consider five bills. HB 2775 by Representative Buttry was taken off notice. HB 2898 by Representative Casada and HB 3481 by Representative Turner (Hamilton) were rolled for one week.

**HR 258** and **HJR 861** were approved for passage and referred to the full committee. **HR 258** creates a special study committee to examine reparation proposals for African-Americans. **HJR 861**, as amended, urges all law enforcement agencies in Tennessee to conduct racial profiling studies and to provide anti-racial profiling training. Both bills are sponsored by Representative Brooks (Shelby).

After the subcommittee disposed of the bills on its calendar, testimony was presented from various groups regarding the Tennessee Sex Offender Registry. Gary Yates, representing General Dynamics, provided information to demonstrate the feasibility of implementing monitoring devices that track sex offenders while on parole. Also, the subcommittee heard testimony from the TBI, Sheriff's Association, Police Chiefs' Association, and District Attorneys General Conference. Next week, the **Constitutional Protections**

**Subcommittee** plans to consider all bills relating to the sexual offender registration and monitoring act. Please note the following list of bills that will be considered:

- **HB 2170** by Representative Turner (Davidson)
- **HB 2208** by Representative Brooks (Knox)
- **HB 2734** by Representative Bunch
- **HB 2780** by Representative Todd
- **HB 2832** by Representative Todd
- **HB 2852** by Representative Winningham
- **HB 3182** by Representative Briley
- **HB 3232** by Representative McKee
- **HB 3395** by Representative Shepard
- **HB 3467** by Representative McMillan
- **HB 767** by Representative Buttry
- **HB 768** by Representative Buttry

### **Judicial Administration Subcommittee**

On Tuesday, the **Judicial Administration Subcommittee** met to consider seven bills. HB2199 by Representative Sontany, HB 3034 by Representative Brown, HB 3423 by Representative Fowlkes, HB 3541 by Representative Sontany, HB 3514 by Representative Marrero, and HB 2925 by Representative Todd were rolled for one week.

**HB 2416** by Representative Kernell, as amended, was referred to the full committee. HB 2416 clarifies the licensing exception for attorneys who are private investigators. Under this bill, an attorney in good standing and licensed to practice law would not be required to obtain a private investigator license from the department of commerce and insurance.

### **Civil Procedure & Practice Subcommittee**

On Wednesday, the **Civil Procedure & Practice Subcommittee** met to consider 37 bills. HB 1057 by Representative McCord, HB 2564 by Representative Winningham, HB 2807 by Representative Rowland, and HB 2825 by Representative Buck were taken off notice. HB 986, HB 1437, and HB 1454, all of which are sponsored by Representative Overbey, were taken off notice pending the report submitted by the tort reform study committee. HB 3000 by Representative Hawk and HB 3140 by Representative Bone were rolled to the last calendar. The following bills were rolled for one week: HB 164 by Representative Buck, HB 821 by Representative Overbey, HB 2166 by Representative Turner (Davidson), HB 2200 by Representative Shaw, HB 2201 by Representative Shaw, HB 2740 by

Representative Bunch, HB 2911 by Representative West, HB 2974 by Representative John DeBerry, HB 3009 by Representative Clem, HB 3146 by Representative Johnson (Loudon), HB 3326 by Representative McCord, HB 1569 by Representative Briley, HB 1446 by Representative Cochran, HB 3404 by Representative Hargrove, HB 591 by Representative Pleasant, and HB 88 by Representative Buck.

The following 12 bills were approved for passage and referred to the full committee:

- **HB 2889** by Representative Brooks (Knox), as amended, amends the False Claims Act and prohibits legal action against other elected officials if the action is based on evidence or information known to the state or political subdivision when the action is brought.
- **HB 1004** by Representative Clem, as amended, authorizes a judge or chancellor to sign an order approving any tort claim settlement involving a minor that is less than \$10,000.00 by relying on affidavits from the legal guardian. This bill provides an enumerated list of the information that would be contained in the affidavit. For tort claims settlements over \$10,000.00, the minor and legal guardian would be present in a chambers hearing. The provisions of this bill would not apply to structured settlements.
- **HB 2547** by Representative Fowlkes, as amended, revises the law to authenticate an instrument or document for registration or recording in the office of the county register. Also, this bill revises the law regarding registration or recording of a plat of a subdivision of land with the county register. Also, this bill requires a writing, which is written in another language, to have an attached affidavit with the English translation in order to be recorded by the county register.
- **HB 2673** by Representative Stanley authorizes Shelby County to impose a local litigation tax up to \$6.00 in civil and criminal cases in general sessions court.
- **HB 2738** by Representative Bunch relates to serving process by mail. Under this bill, valid service of process would occur after the addressee or addressee's agent refuses to accept the delivery and the refusal to accept delivery is stated on the return receipt provided by the United States postal service.
- **HB 2741** by Representative Bunch creates a procedure for default judgments in subrogation actions brought by insurance companies.
- **HB 3094** by Representative Rinks, as amended, creates the "Mutual Aid and Emergency and Disaster

Assistance Agreement Act of 2004." This act authorizes mutual aid and enhances public safety and homeland security by facilitating assistance among governmental entities in any state of emergency or declared disaster. The provision and receipt of mutual aid and assistance by participating governmental entities would be governed by this act on or after July 1, 2004. Also, this bill authorizes mayors to declare local states of emergency.

- **HB 3147** by Representative Johnson (Loudon), as amended, includes additional documents that may be registered with the county register. Affidavits of scrivener's error or any other affidavits in furtherance of identification and title of land could be registered.
- **HB 2751** by Representative McDonald revises the law regarding equine activities. This bill redefines the terms "engages in an equine activity" and "equine activity" for the purpose of determining immunity from liability.
- **HB 3501** by Representative Curtiss states that a person or entity, acting in good faith and without malice, would be immune from civil liability for reporting information to the State Fire Marshall.
- **HB 2354** by Representative Overbey provides a method for a counterclaimant to recover contractual attorney fees when the plaintiff voluntarily dismisses an action and does not timely recommence the action.
- **HB 2288** by Representative Vincent provides a 10-day period grace period for landlords to inspect a rental property upon the termination of occupancy for the purpose of charging against a security deposit. Under present law, the landlord must inspect the rental property within 3 days of termination of occupancy.

### The Full Judiciary Committee



On Wednesday, the full **Judiciary Committee** met to consider 39 bills.

The following five bills were approved for passage and referred to **Calendar & Rules**:

- **HB 2399** by Representative Wood, as amended, amends the law relating to representations made by individuals or entities that are not licensed contractors. Under this bill, aggrieved parties would have the private right of action remedy that is provided in the Tennessee Consumer Protection Act. Even though an individual acts on behalf of an entity created for limited liability protection, such individual would be personally liable for representations, acts, or omissions.
- **HB 3440** by Representative Davidson deletes the provision in the code that authorizes general sessions judges in Robertson County to appoint persons to serve as court officers. As a result, the sheriff would be required to attend all courts in Robertson County.
- **HB 2338** by Representative Bowers provides that the administrative office of the courts create and maintain a registry of credentialed court interpreters of spoken foreign languages. The registry would be posted on the web site that is maintained by the administrative office of the courts.
- **HB 2595** by Representative Curtiss, as amended, requires the owner of any new subdivision development to provide notice indicating that such development is located in the vicinity of an established shooting range. As amended, the provisions of this bill would only apply to counties that have a planning commission and subdivision regulations.
- **HB 2581** by Representative Davis, as amended, creates the "Tennessee Health Care Decisions Act." This bill would simplify the process for patients to make advance directives regarding their health care, such as living wills or durable power of attorneys for health care. Also, those individuals who violate the provisions of the bill would be subject to liability for \$2,500 of damages or actual damages.

The following two bills were approved for passage and referred to **Finance, Ways, & Means**:

- **HB 2781** by Representative Todd authorizes the Private Probation Council to establish fees in order to cover expenses. Also, this bill authorizes the council to access and enforce civil penalties for violations of statutes, rules, or orders.
- **HB 2353** by Representative Overbey requires the court clerk to charge a \$2.00 data entry fee for each party in a case or each delinquent in a delinquent tax lawsuit. The fee would offset computer costs associated with TnCis. Also, this bill requires the

judicial council to appoint a committee to study court costs and make recommendations that would establish uniformity in collecting court costs. The report drafted by the judicial council would be submitted to the general assembly by January 17, 2005.

HB 3007 by Representative Hargrove and HB 761 by Representative Todd were rolled for two weeks. The remaining bills on the calendar were rolled for one week.

#### **Joint Ad Hoc Committee on Methamphetamines & Related Offenses**

On Monday, the **Joint Ad Hoc Committee on Methamphetamines and Related Offenses** met to consider bills. The committee did not make any recommendations. Although, the committee decided to concentrate on bills that contain a positive fiscal note or no fiscal impact. Chairman Cohen noted that the committee should review HB 3445 by Representative Curtiss, HB 2812 by Representative Matheny, HB 3297 by Representative Johnson (Loudon), HB 2385 by Representative Curtiss, and HB 2796 by Representative Curtiss. The Joint Ad Hoc Committee on Methamphetamines and Related Offenses will meet on Monday, March 22, 2004 from 2:00 to 4:00pm in LP 30.

#### **Joint Ad Hoc Committee on Issues Involving Alcohol & Citizen Responsibility**

On Wednesday, the **Joint Ad Hoc Committee on Issues Involving Alcohol and Citizen Responsibility** met to consider the remaining bills on its calendar. HB 2701 by Representative Ferguson was taken off notice. HB 3354 by Representative Buck was referred to the General Subcommittee in the Senate.

The following three bills were recommended for passage:

- **HB 2612** by Representative DuBois creates the "Good Samaritan Volunteer Firefighters' Assistance Act." Under this bill, a person, corporation, business, charity organization, or government agency that acts reasonably and in good faith would not be subject to civil liability for any personal injury, property damage, or death proximately caused by a defect in equipment donated to a volunteer fire department. Although, liability would

be imposed when the donor's act or omission constitutes malice, gross negligence, recklessness, or intentional misconduct. Furthermore, liability would be imposed when the donor is the manufacturer of the equipment or when the donor modified or altered the equipment after it had been recertified by an authorized technician. The intent of this bill is to encourage donations from businesses and corporations for volunteer fire departments.

- **HB 3268** by Representative Cochran adds another instance in which a law enforcement officer may arrest a person without a warrant. Under this bill, a law enforcement officer has the authority to arrest a person without a warrant when such person flees the scene of an accident, is apprehended within four hours of the accident, and there is probable cause to believe that the person committed a DUI violation. HB 3268 passed in the House of Representatives last year but failed in the Senate Judiciary Committee.
- **HB 2199** by Representative Sontany redirects revenue collected from fines and forfeitures of appearance bonds for drug-related offenses in Davidson County. Under this bill, the proceeds would go to the Drug Fines and Forfeitures Account.



Funds in this account would be used exclusively by the State Trial Courts Drug Court Program for court ordered drug treatment and educational programs. Presently, these funds are used in the Davidson County

drug enforcement program or local drug education program. This bill codifies current practice.

Note: HB 2583 by Representative Davis and HB 3296 by Representative Johnson (Loudon) were taken off notice when the committee met on March 3, 2004.

## **State & Local Government**

*Lawrence Hall, Jr.*

### **The Full Committee**

This week in **State and Local Government** full committee **HB 857**, by Rep. Brown, was passed to Calendar and Rules. This bill will allow financial disclosures to be submitted without being notarized.

**HB 2322**, by Rep. Hargett, prohibits the reimbursement of any airfare that is in excess of standard coach fare for any official, officers, or employees of the state of Tennessee including the state Board of Regents and the UT Board of Trustees. This bill was passed to Finance, Ways, Means. **HB 2678**, by Rep. Stanley, requires a utility district attempting to sell bonds for more than \$50 million to send a written request for proposal to at least five qualified firms. A minimum of three proposals must be returned prior to making the award. This bill was passed to Calendar and Rules.

### **State Government Subcommittee**

**State Government Subcommittee** passed **HB 3517**, by Rep. McMillan, to full committee. This bill removes the requirement that the assistant commissioner of the Department of Veteran Affairs or a service officer visit each county seat monthly within that person's congressional district, but instead allows them to determine when the visits should be made. **HB 2831**, by Rep. Hood, was passed to full committee. This bill authorizes the payment of \$25,000 to the estate of a firefighter that was killed in the line of duty. **HB 2156**, by Rep. Newton, removes the requirements that lottery retailer contracts be renewable every year. This bill passed to full committee. **HB 2655**, by Rep. Cooper, directs the Department of Corrections and Personnel to conduct a study on education and employment for persons convicted on non-violent crimes and to report the findings by March 1, 2005. This bill was passed to full committee. **HB 3525**, by Reps. McMillan and Pruitt, will allow employees to purchase state surplus property by internet auction in addition to the regular public auction. This bill passed to full committee.

### **Local Government Subcommittee**

**Local Government Subcommittee** passed **HB 2566** by Rep. Winningham. This bill extends property tax relief to those veterans who were disabled in combat due to exposure to Agent Orange. This bill passed to full committee. **HB 2762**, by Rep. Head, will allow the Alcoholic Beverage Commission to retain the money collected from licensure fees. This bill passed to full committee.

### **Elections Subcommittee**

In the **Elections Subcommittee** all bills were taken off notice and the subcommittee completed its business for the session. Elections Subcommittee is now closed.

## **Transportation**

*Greg E. Adkins*

### **Full Committee**

The **full Transportation Committee** met on Wednesday, March 17, 2004, and considered nine bills. **HB 2823** by Rep. Buck passed to C&R as amended. The amended bill implements stricter standards to be eligible for a handicapped parking decal. The bill states that a person will have to be "so ambulatorily disabled that he or she cannot walk 200 feet without stopping to rest." The amended bill also increases the fine for unauthorized use of handicapped parking from a misdemeanor punishable by a fine of \$100 to a Class A misdemeanor punishable only by a mandatory fine of \$1,000.

**HB 3519** by Rep. McMillan & Rep. Harmon passed to FW&M. The bill would allow the Commissioner of the Department of Safety to require payment of fuel taxes to be paid by cash, money order, certified check, or cashier's check.



**HB 2601** by Rep. Godsey passed to FW&M as amended. The amended bill would allow any motor vehicle officer investigating a motor vehicle accident to have the parties involved exchange insurance information. **HB 3518** by Rep. McMillan & Rep. Borchert passed to C&R. The bill removes the debossed or embossed requirement for license plates. **HJR 837** by Rep. Maddox passed to FW&M -- "William T. (Bill) Burke Overpass" S.R. 22 overpass sign in McKenzie. **HB 2527** by Rep. Sharp was rolled one week -- One-panel specific service signs for gas and camping at Exit 1 on I-24 and 75 in Hamilton County. **HJR 870** by Rep. Hood passed to FW&M -- "Larry E. Steward Bridge" sign in Rutherford County.

The following special license plate bills passed to FW&M:

1. **HB 2236** by Rep. Turner (Hamilton) authorizes the "Baylor School of Chattanooga" cultural license plate.

2. **HB 3082** by Rep. Turner (Hamilton) authorizes the "McCallie School in Chattanooga" cultural license plate.  
3. **HB 2137** by Rep. Sargent authorizes the "Tennessee Golf" new specialty license plate.

### **Public Safety & Rural Roads Subcommittee**

The **Public Safety & Rural Roads Subcommittee** met on Tuesday, March 16, 2004, and considered twelve bills. **HB 2710** by Rep. Cochran passed to full committee. The bill makes evading a stoplight/stopsign by driving onto or across public or private property an offense punishable by a fine up to \$50. **HB 3373** by Rep. Vaughn passed to full committee as amended. The amended bill would authorize the issuance of emergency special license plates to physicians. The amendment specifically makes the bill revenue neutral by charging a fee for the plates. **HB 3224** by Rep. Pinion passed to full committee. The bill would authorize landscaping nurseries to be eligible for the reduced registration tax discount charged for farm and logging vehicles.

The following bills were rolled one week: (1) **HB 3438** by Rep. Brooks (Knox), (2) **HB 3160** by Rep. Rinks, (3) **HB 2919** by Rep. West, (4) **HB 2184** by Rep. Dunn, (5) **HB 3298** by Rep. Turner (Hamilton), (6) **HB 2841** by Rep. Maddox, (7) **HB 3154** by Rep. DuBois, and (8) **HB 2588** by Rep. Kernell. **HB 3188** by Rep. Jones (Shelby) was rolled to the last committee calendar.

### **Public Transportation & Highways Subcommittee**

The **Public Transportation & Highways Subcommittee** met on Wednesday, March 17, 2004, and considered nineteen bills. **HB 3508** by Rep. McMillan & Rep. Brown passed to full committee as amended. The amended bill authorizes TDOT to conduct studies to determine whether any group consisting of socially and economically disadvantaged individuals as defined by the federal government are underutilized on state funded construction projects. The amended bill also authorizes the Department to create and implement a surety bond guarantee program for small businesses to act as subcontractors. Annually, the Commissioner of TDOT shall report in writing the progress of the program to the Speaker of the House and Senate, and the Governor. **HB 3509** by Rep. McMillan & Rep. Fraley passed to full committee. The bill allows Highway Response Operators and Communications Dispatchers to be exempt from the mandatory compensatory time

provisions that apply to most state employees. **HB 3537** by Rep. McMillan & Rep. Pinion passed to full committee. The bill revises the procedures required of TDOT for closing highway and bridge construction contracts to conform to changes in federal law concerning the retainage by state governments from contractors. Currently, TDOT retains back 3.5% of all earnings on construction projects; this bill conforms to new federal law and deletes that requirement. **HB 3492** by Rep. McMillan & Rep. Cobb passed to full committee. The bill grants the Commissioner of TDOT emergency contracting authority in the event of a transportation system failure or other emergency that presents a hazard to the traveling public. Basically, the bid letting process would be waived in reference to advertisement, time periods, and notice.

The following highway sign bills passed to full committee:

1. **HB 3128** by Rep. Windle--"John Douglas Ward Memorial Bridge" sign on S.R. 62 in Morgan County.
2. **HB 3180** by Rep. Fowlkes--"Lawton Tarpley Bridge" sign on U.S. 31-A in Marshall County.
3. **HJR 930** by Rep. Fowlkes--"William Morris 'Doc' Oliver" sign on Highway 31 in Giles County.

The following specialty license plates passed to full committee:

1. **HB 814** by Rep. Pinion--"Honeybee" new specialty earmarked license plate.
2. **HB 3187** by Rep. Bowers--"Regional Medical Center at Memphis" new specialty earmarked license plate.
3. **HB 2552** by Rep. Vincent--"KAKUS (Michael Appleby Keeping Us Safe) Buckle Up! Drive Safely!" new specialty earmarked license plate.

The following bills were rolled one week: (1) **HB 2928** by Rep. Rinks, (2) **HB 2784** by Rep. Windle, (3) **HJR 895** by Rep. Cooper B., (4) **HB 2370** by Rep. Vincent, (5) **HB 3267** by Rep. Cochran, and (6) **HB 3077** by Rep. Ferguson.

**HB 3534** by Rep. McMillan was rolled to the last committee calendar.

**HB 2375** by Rep. Patton and **HB 2808** by Rep. Rowland were taken off notice.

## Budget Hearings

### Immediately After Today's Session

Commission On Aging

TennCare

TennCare Oversight

Mental Health & Developmental Disabilities

F&A Division of Mental Retardation Services

## Budget Hearings



### Department of Transportation

*Greg E. Adkins*

*Research Analyst, Transportation*

On Thursday, March 11, 2004, the Tennessee Department of Transportation (TDOT) Commissioner, Gerald Nicely, addressed the House Finance Committee about the department's budget for the 2004-2005 fiscal year. The department has direct responsibility for an estimated 14,000 miles of state highways as well as the state's public transit, aviation, rail, and waterway transportation. TDOT's continued core responsibility is to provide access and mobility through safe, effective, and efficient transportation facilities and services that create economic prosperity and superior quality of life in Tennessee now and for the future. The Transportation Equity Act of the 21st Century (TEA-21) expired in September of 2003. TEA-21 was the Federal Funding mechanism for federal road money. Congress continues to pass interim budgets for transportation dollars. Until TEA-21 is reauthorized, Tennessee will not know the exact amount of federal money it will be receiving for transportation projects in the future.

Below are the proposed budget reductions for TDOT for the 2004-05 fiscal year:

Code	Description	Proposed Reduction
401-430	Administrative	(\$4,500,000)
430	Equipment Purchases and Operations	(\$2,000,000)
451	Resurfacing*	(\$13,100,000)
453	Highway Betterments	(\$2,140,000)
455	State Aid	(\$2,760,000)
470	State Industrial Access	(\$3,000,000)
416	Mass Transit	(\$2,300,000)
480	State Highway Construction	(\$35,000,000)
494	Air, Water, and Rail	(\$1,000,000)
<b>Total</b>	<b>Reduction in State Appropriations</b>	<b>(\$65,800,000)</b>

*\*note: Although there was a reduction in the Resurfacing program, the program is funded at \$85 million, which is \$12 million more than FY2003-04.*



The above reductions total (\$65.8) million in State dollars to the General Fund. No improvements were requested from the Department. The total 2004-05 TDOT budget request is \$1,611,445,000 (Federal \$777,173,000, State \$797,400,000, and Local \$36,872,000). TDOT continues its performance based budget practices as mandated by state law, and it has published the results for FY 2004/05 in the Governors budget document.

## **Department of Finance and Administration**

*Julie Travis*

*Research Analyst, Finance, Ways & Means*

Commissioner David Goetz presented the **Department of Finance and Administration's** budget request for the 2004-05 fiscal year to the full committee on the March 9th meeting. The budget request for **FY 2004-05** is a **total of \$201,478,200**, of which \$18,488,200 are State dollars, \$32,372,200 are federal, and \$150,617,800 are other dollars (mostly interdepartmental revenue).

The department took a **cut in its base budget of \$404,500** in Program Accountability Review (PAR). This base budget reduction would eliminate the state-appropriated subsidy to the PAR grant contract-monitoring program, which is currently being decentralized to the line agencies. The dissolution of the unit would not affect the current monitoring of federal grants and recipients of those grants that are presently done, as it will continue to operate under revised departmental policies. The Commissioner assured the committee that by transferring those duties, there would be marginal costs to the departments within State government and that it could be done directly in-house within the departments.

Included in the department's budget request for FY 2004-05 are **two improvement items** of State-appropriated dollars totaling **\$5,900,000** for Consulting Services and the Office of Information Resources. The **Consulting Services** improvement request was for \$400,000 to establish and staff (with four new positions) a management-consulting unit within the Department. This unit would be called upon to help agencies solve management and operational problems, seek multi-agency solutions, and establish implementation plans. They would also conduct operations/process analyses, cost/benefit studies, financial analysis, perform process re-engineering projects, conduct research as well as review and implement "best practices" from other governments and private organizations to improve the efficiency and effectiveness of product or service outcomes in State agencies.

The **Office of Information Resources** asked for a \$5,500,000 budget improvement for additional funding (out of non-recurring state dollars) for the further development of the Geographic Informational System (GIS). This sum would fund about 2/3 of the project. This improvement includes continued digitized mapping of land parcels from aerial photography in order to develop a reliable Geographic Informational System. Without this improvement, the State's ability to complete the initial production efforts will be impacted. Furthermore, potential funding shortfalls will minimize the return on investments because the State's ability to assist previously produced counties would be severely impacted. As a result, current data would be outdated more quickly, particularly in high growth areas. The Commissioner stated that 41 of the 95 counties have been already completed or are in progress, and that it would take an additional \$9 million, on top of the improvement already requested, to complete the entire project.



